

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEVEN ALLEN MCCRACKEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C16-5468 RBL

ORDER DENYING CERTIFICATE OF  
APPEALABILITY

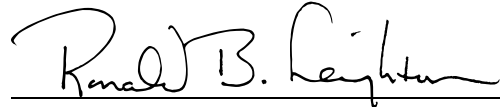
THIS MATTER is before the Court on limited remand from the Ninth Circuit to address whether Petitioner McCracken is entitled to a Certificate of Appealability [Dkt. # 55].

The Court should grant an application for a Certificate of Appealability only if the petitioner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To obtain a Certificate of Appealability under 28 U.S.C. § 2253(c), a habeas petitioner must make a showing that reasonable jurists could debate whether, or agree that, the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 120 S.Ct. 1595, 1603-04 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

1 McCracken has not made such a showing in any of his six motions to re-open his case.  
2 See also this Court's prior Order declining to issue a Certificate [Dkt. # 30]. The Court will not  
3 issue a Certificate of Appealability.

4 IT IS SO ORDERED.

5 Dated this 27<sup>th</sup> day of February, 2019.

6   
7

8 Ronald B. Leighton  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24